

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Staff

DATE: **October 2, 2001**

RE: **Analysis Report**

Balances As Of:	<u>9/27/01</u>	<u>9/26/00</u>
-----------------	----------------	----------------

<u>GSD 4% RESERVE FUND</u>	\$16,056,213	\$8,500,796
----------------------------	--------------	-------------

CONTINGENCY ACCOUNTS

GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000

GENERAL FUND

GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable

GENERAL PURPOSE

<u>SCHOOL FUND</u>	Unavailable	Unavailable
--------------------	-------------	-------------

SOLID WASTE  
DISPOSAL FUND

Solid Waste Activities	Unavailable	Unavailable
------------------------	-------------	-------------

## **- BILL ON PUBLIC HEARING & THIRD READING -**

**ORDINANCE NO. BL2001-834** (DILLARD & SHULMAN) – This ordinance approves the acceptance of a grant from the U.S. department of justice to the Metropolitan Government to be used by various Metro agencies, including the police department, the office of the district attorney, and the criminal courts. The grant is in the amount of \$2,604,335. Matching funds for the grant in the amount of \$289,370 will be funded from the operating budget of those departments participating in the grant. This is an annual grant that will be used to reduce crime and improve public safety. The following agencies will receive funding under this grant:

<b><u>Department</u></b>	<b><u>Grant</u></b>	<b><u>Required Match</u></b>	<b><u>Total Award</u></b>
District Attorney	\$299,008.84	\$33,223.20	\$332,232.04
Public Defender	\$47,974.88	\$5,330.54	\$53,305.42
Juvenile Court	\$91,860.41	\$10,206.72	\$102,067.12
Drug Court	\$441,471.00	\$49,052.33	\$490,523.34
Justice Information System	\$149,042.39	\$16,560.27	\$165,602.65
Sheriff	\$375,203.03	\$41,689.23	\$416,892.26
Police	\$860,725.37	\$95,636.15	\$956,361.53
Schools	\$339,049.07	\$37,672.12	\$376,721.19

After the close of the public hearing and prior to adoption of this ordinance, the council should consider and finally adopt Resolution No. RS2001-753 which authorizes application of this grant.

## **- RESOLUTIONS -**

**RESOLUTION NO. RS2001-753** (DILLARD & SHULMAN) – This resolution relates to Ordinance No. BL2001-834, which is currently on public hearing and third reading. That ordinance accepts a law enforcement block grant from the U.S. department of justice. This resolution must be adopted prior of the adoption of that ordinance on third and final reading, as this resolution authorizes Metro to make application for the block grant.

**RESOLUTION NO. RS2001-754** (NOLLNER, PONDER & OTHERS) – This resolution allows the Metropolitan Government to opt out from the increased hours for sale of alcoholic beverages in the area of the Metropolitan Government on Sundays. State law presently provides that alcoholic beverages may not be sold on Sundays prior to 12 Noon. However, the Alcoholic Beverage Commission (ABC) by rule has extended such hours. The ABC has adopted a rule allowing alcoholic beverages to be sold on Sundays beginning at 10:00 a.m. The state law that permits the ABC to extend hours also provides that local governments may opt out of the extended hours by resolution. That is the

purpose of this resolution, which is to restore the 12 Noon hour for the beginning of sale of alcoholic beverages.

**RESOLUTION NO. RS2001-771** (GILMORE & SHULMAN) – This resolution authorizes the Metropolitan Government to donate \$15,000 to the American Red Cross for disaster relief efforts as a result of the September 11, 2001, terrorist attacks in the United States. The American Red Cross is a recognized not-for-profit organization that is qualified to receive grants from the Metropolitan Government. This amount will be funded from the contingency account of the general services fund of the Metropolitan Government and is part of \$50,000 set aside annually for emergencies.

**RESOLUTION NO. RS2001-772 & RS2001-773** – These two resolutions appropriate urban development action grant (UDAG) repayments. The UDAG program is a formal federal program which provided loans to developers, which loans are to be repaid to the Metropolitan Development and Housing Agency (MDHA) rather than to the federal government which provided the funds. MDHA is required to utilize these repayment monies in the “pocket of poverty” areas of Metropolitan Government.

**Resolution No. RS2001-772** (BEEHAN & HALL) appropriates \$250,000 of UDAG repayments to participants as matching funds with a community organization known as Technology 2020 Finance Corporation, Inc., which provides capital and technical assistance to underserved markets in Tennessee and the Appalachian area. These monies will be used by that organization to match funds they provide to small start-up businesses, early stage businesses, and disadvantaged businesses, including minority businesses.

**Resolution No. RS2001-773** (WHITMORE & GENTRY) appropriates \$1 million dollars in UDAG repayments to be used in the affordable housing development under the Preston Taylor Homes HOPE VI grant. The Hope VI grant program is a program used to revitalize the Preston Taylor Homes public housing development.

**RESOLUTION NO. RS2001-774** (SHULMAN & STANLEY) – This resolution appropriates \$4,479,984 to the Metro board of public education. These funds are the amount of monies appropriated to the Metropolitan Government based upon the salary increase under the Better Education Program of the State of Tennessee, which were not anticipated and appropriated in the general operating budget for the current year as the state had not yet adopted its budget. This is primarily a housekeeping matter to appropriate these monies to the board of education.

**RESOLUTION NO. RS2001-775** (SHULMAN) – This resolution approves a contract between the Metro board of health and Xantus Healthplan of Tennessee, Inc., to provide for non-emergency transportation services for TennCare recipients. This contract provides that Xantus Healthplan will pay .15 cents per month to the health department for each person enrolled under their contract with TennCare for the contract term, which is five years, which began January 1, 2001. These types of

contracts have been in place since TennCare was instituted, and the health department has similar contracts with other managed healthcare organizations that have TennCare recipients enrolled in their programs.

**RESOLUTION NO. RS2001-776** (SHULMAN) – This resolution approves a grant agreement between the state department of health and the Metro health department in the amount of \$1,459,700 to fund the Women, Infants and Children (WIC) program to provide nutritious food to low income women, infants and children. The grant term is from October 1, 2001, thru September 30, 2002.

**RESOLUTION NO. RS2001-777** (SHULMAN) – This resolution approves an annual contract in the amount of \$150,000 between the Metro health department and the Alcohol and Drug Council of Middle Tennessee, Inc., to provide substance abuse detoxification and treatment services for the homeless. The grant is for a term beginning July 1, 2001, and extending through June 30, 2002. This resolution needs to be amended to reflect that the grant amount is \$150,000, rather than \$200,000 stated in the caption and in section one.

**RESOLUTION NO. RS2001-778** (SHULMAN) – This resolution approves a grant in the amount of \$10,000 from the National Endowment for the Arts to the Metro arts commission. These funds will support community arts development in the area of the Metropolitan Government. These grant funds are in addition to previous funds received from the state and the amount provided in the operating budget for the arts commission.

**RESOLUTION NO. RS2001-779** (GREER & MCCLENDON) – This resolution approves the construction of a water line in existing CSX railroad right-of-way. The water services department is replacing a water line required by the fire marshal to adequately provide fire protection in this area. Metro will pay a one-time licensing fee of \$2,150 for the privilege of constructing this water line. Council has previously adopted an ordinance that allows these types of agreements with CSX to be entered into by resolution of the council. Under these agreements, lines may remain in the right-of-way in perpetuity, however, in the event the railroad should need the right-of-way area, Metro will be required to relocate its lines at its own expense.

**RESOLUTION NO. RS2001-780** (WATERS) – This resolution authorizes the reapplication for a zoning bill which was previously defeated by the council. The Metro Code provides that a reapplication for the same or substantially the same amendment to the official zoning map previously disapproved by the council shall not be accepted for a period of one year following the last action of the council, unless the council authorizes reapplication of the application. An ordinance rezoning property at 3401 Knight Drive was disapproved by the council within the past year. The adoption of this resolution will allow the council to reconsider this same zoning bill.

**RESOLUTION NO. RS2001-781** (SHULMAN) – This resolution authorizes the department of law to compromise and settle the lawsuit of BellSouth Telecommunications, Inc., against the Metropolitan Government in the amount of \$28,066.90., which amount will be paid from the self-insured liability fund. This claim is the result of damages to fiber optic cable belonging to BellSouth which was damaged by a public works department employee operating a bush hog while mowing grass. The cost to repair and replace the approximately 2,000 feet of fiber optic cable has been verified by the information services department of the Metropolitan Government.

No disciplinary action has been taken against our employee.

### **- BILLS ON SECOND READING -**

**ORDINANCE NO. BL2001-813** (KNOCH, TURNER & JENKINS) – This ordinance authorizes the acquisition of approximately 28 acres of property located on Nolensville Road to be used for construction of the new W. H. Oliver Middle School and a future elementary school in the Nolensville Road area. This acquisition, by either negotiation or condemnation, has been approved by the Metro board of public education. This ordinance has been approved by the planning commission.

**SUBSTITUTE ORDINANCE NO. BL2001-822** (WALLACE) – This substitute ordinance amends the Metro Code to limit the types of traffic violations for which a vehicle may be towed by the Metro police department. Presently, the Code provides that any vehicle which is parked, stopped, or standing in violation of any ordinances, except overtime parking, may be towed by the Metro police department. This substitute ordinance would provide that vehicles can be towed only when in violation of an ordinance or regulation and also are (1) causing a safety hazard, (2) blocking pedestrian or vehicle access to property or a street, alley, or driveway, or (3) disrupting the flow of traffic.

This substitute ordinance does not affect the authority to tow vehicles in violation of obstructing the orderly flow of traffic, parked on thoroughfares more than 48 hours without current registration, or are disabled so as to obstruct traffic, and other similar instances.

**ORDINANCE NO. BL2001-832** (SUMMERS) – This ordinance abandons an unbuilt portion of Long Meadow Drive, from West Hillwood Drive to its terminus at Hillwood Country Club. This abandonment has been requested by Ms. Denise M. Smith, the abutting property owner.

This abandonment has been approved by the planning commission and the traffic and parking commission. There is no signed petition of abutting property owners on file with the Metro clerk.

**ORDINANCE NO. BL2001-836** (DILLARD) – This ordinance authorizes the abandonment of a sewer line and easement in the Ravenwood community, south of Cheyenne Boulevard, on property owned by Allen Earps. New sewer lines have been installed which serve these properties and the neighboring community, and there is no longer a need for the easement. The planning commission has recommended the abandonment of this easement.

**ORDINANCE NO. BL2001-837** (MCCLENDON & SHULMAN) – This ordinance authorizes a participation agreement between the department of water and sewerage services and Southern Woods Section Six, LP, in relation to the Owl Creek trunk sewer. Metro has funded construction of the Owl Creek trunk sewer project, which also serves customers and potential customers in Williamson County. The original project provided that developers could connect onto the sewer upon payment of a \$2,000 connection fee. This agreement authorizes Southern Woods to have two connections for a total of \$4,000. The funding from this agreement will be paid into the water and sewer extension and replacement fund.

**ORDINANCE NO. BL2001-838** (LORING, MCCLENDON & SHULMAN) – This ordinance authorizes the Metro water and sewerage services to accept \$2,500 as contribution towards funding for a public water line from Pennington Bend Road to 109 Barton Lane, which is owned by Jack C. and Gail A. Stroud. The cost of extending this line is \$2,500, and the Stroud's have agreed to participate in this construction to expedite this project.

**ORDINANCE NOS. BL2001-839 & BL2001-840** (WILLIAMS & BOGEN) – These two ordinances adopt amendments to the Metro Code relative to cable television space as related to the public, educational and governmental (PEG) access oversight committee and the authority to create a Metro educational access corporation (MEAC).

**Ordinance No. BL2001-839** amends the Code provision relative to PEG to accommodate the expected creation of the MEAC. MEAC will have a member on the PEG board, the same as the community access corporation. There is also some housekeeping amendments, such as deleting the cable television franchise holder by name and referring to them as just franchise holders, and providing that funds received by PEG cannot be expended until appropriated. The ordinance further specifically clarifies that PEG has no authority or control over government access television, which is operated by the department of information services.

**Ordinance No. BL2001-840** provides for the creation of the MEAC. This ordinance structures MEAC similar to the government access channel, which has authority to operate the community access channels on cable television. The MEAC will be a not-for-profit organization whose directors, after creation, must be appointed by the mayor and approved by the council. There will be seven directors authorized, and not more than two of whom can be residents of the same council district.

The function of MEAC will be to have responsibility for program production and management of the educational access channels on all cable television systems. The charter of the MEAC must be approved by the Metro Council prior to filing it with the secretary of state as a corporation. The books and records of the MEAC must be open at all times to the department of finance and they will be required to prepare and furnish an independent audit to the department of finance. This corporation will be required to adopt a business plan which must be approved by the director of finance, the council, and PEG.

In the event this business plan is not approved by June 30, 2003, the corporation will cease to exist.

A similar method was used several years ago to provide for the community access corporation. Presently, there are two channels set aside for education access, and this is an attempt to provide for an interested group to begin programming on these channels.

## **- BILLS ON THIRD READING -**

**ORDINANCE NO. BL2001-744** (LINEWEAVER) – This ordinance amends the zoning text changing the conditions for veterinary uses and parking requirements. It limits the size of a veterinary clinic to a single building footprint of 2,500 square feet, rather than a gross floor area of 2,500 square feet. It would allow a caretaker residence for care of animals being housed overnight to be located on the same lot.

Kennels for animals that are not undergoing medical treatment would also be permitted as an ancillary use rather than as a permissive use. Minimum parking space requirement is also reduced from one space for each 200 square feet of building, to now require one space for each 300 square feet of building.

This text change has been approved by the planning commission.

**ORDINANCE NO. BL2001-750** (SHULMAN) – This ordinance amends the zoning text relative to provisions of the Code relating to landscaping, buffering, and tree requirements. They are recommended by the Metro tree advisory committee and are essentially changes to the tree ordinance that was initially adopted several years ago. The purpose of these amendments is, principally, to improve the prospects of trees to be retained and that new requirements for trees being planted to have a better chance of survival.

To accommodate this there are changes such as requiring hose attachments for irrigation of plants and trees and by limiting to 100 feet, rather than the current 200 feet, which is used when developers decide not to use sprinklers for irrigation for landscaping plants. It also removes an exemption that allows plants naturally climated to Nashville be planted without irrigation. It would authorize the urban forester to develop regulations, which must be approved by the planning commission, to govern excavation and trenching for utilities at construction sites. This is essentially to assure that during construction trees and plants are not damaged and, therefore, lost.

There is a screening requirement adopted which would require that automobile salvage yards must be screened from properties “zoned or policed” residential and from public streets by use of opaque fencing not larger than 6 (six) feet in height.

Although staff believes it is appropriate to require this necessary screening for automobile salvage yards, staff believes it is inappropriate to require such when they are “policied” for residential properties. Zoning is purely a legislative function. Under the terms of this provision the planning commission could control landscaping by “policing” lots residential which does not create a residential zone lot. This is a long-standing dispute between the planning commission and the council as to who has control over land use – the planning commission or the council. Staff would recommend that this “policied” language be deleted.

This text change has been approved by the planning commission.

There will be an amendment offered to this text which is housekeeping in nature.

**ORDINANCE NO. BL2001-775** (SONTANY, GENTRY & WATERS) – This ordinance, as amended, amends the Metropolitan Code by making some changes in employee pension and benefit matters. It provides for essentially four changes in the system. The first of these is to provide for vesting in the pension system after five years of service. This will be applicable to all persons who will be employed on or after October 1, 2001. Employees who have left the system prior to that date will still be subject to the ten year vesting system, as it is not appropriate to make pension changes retroactive.

The second matter is a change in the method of calculation for average earnings on the five-year average for determining pension benefits. Under the current pension program we use the 60 consecutive months prior to applying for pension, however, they must all be contained in successive calendar years. Under this ordinance 60 consecutive months will be simply that and will discard the requirement of being in consecutive years. This will provide for persons to apply for a pension in mid-year and not require waiting until the end of the calendar year to apply.

There is also a new requirement that will allow employees who have previously been employed, upon rehiring, to reconnect their service credit after being re-employed for one year. This will be applicable to persons employed by the Metropolitan Government on or after October 1, 2001. Employees who leave Metro Government service prior to that date will receive prior service credit under rules in effect at the time they leave Metro.

There is also a new benefit provision that allows an employee who is vested who dies, leaving no surviving spouse, who is survived by a dependent child or children, to have a benefit paid to this surviving child or children the same as a spouse would have been paid.

All of these changes are beneficial to the employees and contributions to the pension fund budget in this year's operating budget contemplate the allocation of these changes.

These changes have been approved by the Metro employee benefit board and are recommended to the council.

**ORDINANCE NO. BL2001-812** (GENTRY, PONDER & SUMMERS) – This ordinance establishes the annual program for the purpose of providing assistance to low-income elderly residents of the Metropolitan Government. The council appropriated \$1,206,800 in the 2001-2002 operating budget for the purpose of funding this program for one year. Elderly persons whose annual income does not exceed \$11,800 are eligible for this program.

**ORDINANCE NO. BL2001-814** (NOLLNER & GENTRY) – This ordinance authorizes the director of public property administration to sell approximately 0.723 acres of property belonging to the Metropolitan Government to the state of Tennessee for a price of \$9,550. This property that we are selling, which is less than one acre, is a portion of 4.39 acres that Metro owns on Chadwell Drive, east of Interstate 65. The state will use this property for interstate highway improvements.

The sale of this property has been approved by the planning commission.



**ORDINANCE NO. BL2001-815** (WALLACE) – This ordinance authorizes the Metropolitan Government to accept a donation of property located at the intersection of 7<sup>th</sup> Avenue South and Demonbreun Street from First Baptist Church. This property will be used as a turn radius for future improvements that may occur on Demonbreun Street. There is no cost to the Metropolitan Government.

The planning commission has approved the acceptance of this property.

**ORDINANCE NO. BL2001-816** (JENKINS) – This ordinance authorizes the director of public property administration to accept a number of easements for use and benefit of the greenways commission. These greenway areas are being donated for the Stones River greenway system connected to the Cumberland River area. The following property owners are making donations from their existing use:

<b><u>Owner</u></b>	<b><u>General Description</u></b>
1. United States – Corps of Engineers – 6.89 acres	Percy Priest Recreation Area
2. Fogelman Properties – 2.421 acres	Stewart’s Ferry Apartments
3. Metropolitan Government – 5.751 acres	Treatment plant
4. Mr. & Mrs. Gayron C. Lytle	40-foot wide easement – farmland
5. Metropolitan Government – 1.804 acres	Treatment plant
6. Cumberland Trace Partnership – 1.680 acres	Condominiums
7. Opryland Attractions – riverbank	Cumberland river bank

Acceptance of these easements has been approved by the director of the Metro parks and recreation department. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2001-817** (JENKINS) – This ordinance authorizes the director of the parks and recreation department to accept a donation of 8.7 acres of property from the Mill Run, LLC and Mill Run Homeowners Association, which property will be used in future greenways programs. This greenways area is along Mill Creek.

The planning commission has approved this ordinance.

**ORDINANCE NO. BL2001-818** (JENKINS & STANLEY) – This ordinance authorizes the director of the parks and recreation department to accept an easement for use in the greenways project adjacent to Stones River, which is owned by the Ravenwood Country Club. The easement area is from the edge of the water at its normal pool level on the east bank of the Stones River to the boundary of Stones River Road.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2001-823** (GENTRY) – This ordinance approves a grant from the state of Tennessee, office of the secretary of state, to the library board in the amount of \$3,409. This grant is for a period beginning June 1, 2001, and expiring September 30, 2002. These funds, which are passed through from the federal government, will be used to reimburse the Nashville public library for costs in lending our books to other libraries.

**ORDINANCE NO. BL2001-824** (GILMORE & GENTRY) – This ordinance approves a grant between the state department of corrections and the state trial courts to implement a supervision and day reporting center. The amount of this grant is for \$2,502,879, which will be paid over three years with a payment each year of \$834,293 per year. The term of this grant is for three years beginning July 1, 2001, and expiring June 30, 2004. This program is to provide an alternative punishment program for non-violent offenders. During the term of the contract Metro agrees to supply at least 350 new offenders from the court, and not less than 50 new offenders from probation.

**ORDINANCE NO. BL2001-825** (SHULMAN & KNOCH) – This ordinance abandons a sewer line and easement on property owned by Green Hills Commons, LLC. Green Hill Commons has installed a new sewer line which adequately serves the lots and the neighboring properties, and this easement is no longer needed by the department of water and sewerage services.

**ORDINANCE NO. BL2001-826** (DERRYBERRY & KNOCH) – This ordinance abandons two sewer lines and easements on property owned by the Metro Nashville airport authority. The airport authority wishes to convert these lines to private sewer lines, and the department of water and sewerage services has agreed. These are not part of our public sewer system. By converting these to private lines the airport authority will be required to maintain them, rather than Metro. The transfer of these easements to private easements has been approved by the planning commission.

**ORDINANCE NO. BL2001-827** (BEEHAN & WATERS) – This ordinance authorizes the mayor to execute, on behalf of Metropolitan Government, an annual grant between the state of Tennessee department of human services and the Metro juvenile court. This contract provides funds for the child support enforcement program in the juvenile court. Metro will receive \$697,351.38 under this grant. The contract period begins July 1, 2001, and expires June 30, 2002. Metro will provide a local match of \$359,241.62 from the juvenile court operating budget.

**ORDINANCE NO. BL2001-828** (PONDER) – This ordinance changes the name of Chandler Road, between Old Hickory Boulevard and Dodson Chapel Road, to “Dodson Chapel Road”, and changes the name of Dodson Chapel Road, from Chandler Road to its terminus, to “Dodson Chapel Court”. These name changes have been requested by the interim director of the Metro public works department for improved E-911 system efficiency and effectiveness.

These name changes have been approved by the planning commission and the emergency communications district (E-911) board.

**ORDINANCE NO. BL2001-830** (TURNER & GENTRY) – This ordinance closes a portion of General Bates Drive, from south of Melville Drive to the south property line of parcel 144 on tax map 132-5. This closure has been requested by the interim director of the Metro public works department for improved E-911 system efficiency and effectiveness.

This closure has been approved by the planning commission and the traffic and parking commission.

There is no signed petition of abutting property owners on file with the Metro clerk.

**ORDINANCE NO. BL2001-831** (BRILEY) – This ordinance abandons Alley No. 1404, between Gallatin Pike and Scoot Avenue. This closure has been requested by Mr. Jack W. Garrison on behalf of abutting property owners.

This abandonment has been approved by the planning commission and the traffic and parking commission. There is no signed petition of abutting property owners on file with the Metro clerk.

**ORDINANCE NO. BL2001-833** (BLACK) – This ordinance abandons Alley No. 1088, from Brick Church Pike to its terminus located north of Haynie Avenue. This abandonment is being requested by Mark Carver of Sherrard & Roe, PLC for Budig Realty, LLC, the abutting property owner.

This abandonment has been approved by the planning commission and the traffic and parking commission. There is no signed petition of abutting property owners on file with the Metro clerk.